

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

UNITED STATES OF AMERICA

v.

GENEVA MADRID

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CRIMINAL NO. W-18-CR-305-ADA

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE ALAN D ALBRIGHT,
UNITED STATES DISTRICT JUDGE

The undersigned submits this Report and Recommendation to the district judge pursuant to 28 U.S.C. § 636(b) and Rule 1 of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges. Before the Court is the petition of the United States Probation Office recommending the revocation of the defendant's term of supervision. The district judge referred the matter to the undersigned for the preparation of a report and recommendation.

I. PROCEDURAL BACKGROUND

The defendant was found guilty of Illegal Receipt of Ammunition by a Person Under Indictment, in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D). The Court sentenced the defendant to 30 months imprisonment; three years of supervised release; a \$100.00 special assessment; and a \$500.00 fine. The defendant began his supervision on July 1, 2022. On April 2, 2024, the United States Probation Office filed a Petition for Warrant or Summons for Offender Under Supervision, alleging the defendant violated the terms of her release and seeking a show-

cause hearing as to why the defendant's supervised release should not be revoked. The petition alleges the defendant violated the terms of her release in the following instances:

Violation Number 1: Nature of Non-Compliance: The defendant violated Mandatory Condition Number 1, in that she committed a new crime, in that, on November 17, 2023, she was arrested for Possession of a Controlled Substance PG1, in violation of Texas Health and Safety Code 481.115(b). The case remains pending.

Violation Number 2: Nature of Non-Compliance: The defendant violated Mandatory Condition Number 1, in that she committed a new crime, in that, on January 31, 2024, she was arrested for Possession of Drug Paraphernalia, in violation of Texas Health and Safety Code 481.125.

Violation Number 3: Nature of Non-Compliance: The defendant violated Mandatory Condition Number 1, in that she committed a new crime, in that, on March 22, 2024, she was arrested for Possession of a Controlled Substance PG1, in violation of Texas Health and Safety Code 481.115(b). The case remains pending.

Violation Number 4: Nature of Non-Compliance: The defendant violated Mandatory Conditions Number 2 and 3, in that she unlawfully possessed and used methamphetamine, a controlled substance, in that on November 27, and 30, 2023, she submitted urine specimens which tested positive for methamphetamine.

II. FINDINGS OF THE COURT

On January 6, 2025, the Court held a hearing on the petition. At that hearing, Defendant plead TRUE as to violation numbers 1, 2, 3, and 4. The petition contained a sufficient factual basis to support a plea of TRUE as to all violations.

- 1) The defendant violated the conditions of her supervision as alleged in the petition.
- 2) The defendant was competent to make the decision to enter a plea to the allegations.
- 3) The defendant had both a factual and rational understanding of the proceedings against her.

- 4) The defendant did not suffer from any physical or mental impairment that would affect her ability to fully understand the charges against her or the consequences of her plea.
- 5) The defendant has not had any injury that would affect her judgment in entering a plea or that would affect her understanding of the basis, consequences, or effect of her plea.
- 6) The defendant was sane and mentally competent to stand trial for these proceedings.
- 7) The defendant was sane and mentally competent to assist her attorney in the preparation and conduct of her defense.
- 8) The defendant received a copy of the petition naming her, and he either read it or had it read to her.
- 9) The defendant understood the petition and the charges alleged against her and had the opportunity to discuss the petition and charges with her attorney.
- 10) The defendant understood that he had the right to present evidence and to cross-examine witnesses at the hearing.
- 11) The defendant freely, intelligently, and voluntarily entered her plea to the allegations.
- 12) The defendant understood her statutory and constitutional rights and desired to waive them.

III. RECOMMENDATION

The undersigned has carefully considered all the arguments and evidence presented by the parties and **RECOMMENDS** that the defendant's supervised release be revoked and that she be remanded to the custody of the U.S. Marshal for eight months, with no term of supervised release to follow. The defendant should receive credit for time served since her arrest on December 18, 2024.

IV. WARNINGS

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The district court need not consider frivolous, conclusive, or general objections. *See Battles v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after the party is served with a copy of the Report shall bar that party from de novo review by the district judge of the proposed findings and recommendations in the Report and, except upon grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the district judge. *See* 28 U.S.C. 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED this 7th day of February 2025.



DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE